

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

E. E., *et al.*,

Plaintiffs,

v.

STATE OF CALIFORNIA, *et al.*,

Defendants.

Case No. [21-cv-07585-SI](#)

**ORDER CLARIFYING AND
AMENDING TEMPORARY
RESTRAINING ORDER**

Re: Dkt. Nos. 40, 43

On November 8, defendants filed a “Request for Clarification of Temporary Restraining Order,” and on November 10 plaintiffs filed a response. The Court concludes that defendants’ request for clarification is essentially a motion for reconsideration of the TRO, as defendants largely raise the same arguments that they asserted in opposition to the motion for a temporary restraining order. Defendants may renew their arguments in the upcoming preliminary injunction briefing.

In the interest of ensuring defendants’ compliance with the TRO, the Court clarifies the order as follows:

The Court is not directing defendants to effectuate a “change in placement” for any student in violation of the Individuals with Disabilities Education Act, nor is the Court ordering defendants to take actions in violation of federal or state law. Instead, the Court is directing defendants to comply with the Americans with Disabilities Act and Section 504 of the Rehabilitation Act. As set forth in the November 4 order, plaintiffs have demonstrated a likelihood of success on their claims that AB 130 – a state law – has the effect of discriminating against disabled students because that law restricts how and whether disabled students can access distance learning. The TRO directs defendants to take the steps necessary to stop the discriminatory impact of the AB 130 on the fifteen students covered by the TRO.

1 The Court finds that the language proposed by defendants is helpful and appropriate, and
2 accordingly amends the TRO to include that language. This language is in addition to, and does not
3 supplant, the language in the November 4, 2021 order. Accordingly, the TRO is amended to include:

4 As to the 15 students on whose behalf Plaintiffs seek a Temporary Restraining Order,
5 Assembly Bill No. 130 (which contained a number of provisions, including an
6 expansion of California's independent study program) is enjoined to the extent it
7 limits or otherwise prohibits school districts' ability to provide instruction and
8 services under an Individual Education Plan (IEP) virtually. State Defendants shall
9 communicate this Order to the relevant school districts for these 15 students.

10 **IT IS SO ORDERED.**

11 Dated: November 12, 2021



12 SUSAN ILLSTON
13 United States District Judge
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